

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 21,003
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Health Access Eligibility Unit, terminating Dr. Dynasaur coverage for petitioner's minor child. The issue is whether petitioner is over-income for the Dr. Dynasaur program. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner is part of a three person household. When petitioner initially applied for Dr. Dynasaur, her partner was unemployed and the household income was below 300 percent of the federal poverty level (FPL).

2. During a subsequent review of petitioner's case, the petitioner reported bi-weekly wages of \$240 for herself and weekly wages of \$1,150 for her partner. The household had a combined monthly gross income of \$5,461. After applying the employment deduction of \$90 for each wage earner, the household had countable monthly income of \$5,281

which is in excess of the program maximum for a three person household of \$4,293.

3. The Department issued a notice dated July 17, 2007 terminating the minor child's eligibility for Dr. Dynasaur effective July 28, 2007. Petitioner filed a timely appeal and is receiving continuing benefits for the minor child.

4. A fair hearing was held on August 22, 2007. The petitioner did not dispute the household income figures for July.¹

5. Petitioner has been advised to reapply for Dr. Dynasaur if her household income falls below the program maximum.²

ORDER

The Department's decision to terminate Dr. Dynasaur is affirmed.

REASONS

The Legislature created the Dr. Dynasaur program to provide health coverage to low income pregnant women and to

¹ Subsequent household changes including the loss of petitioner's income and the addition of child care deduction did not change the household's eligibility as the household continued to have countable income in excess of the program maximum.

² Petitioner is currently covered by Medicaid and her partner has health insurance through his employment.

children under the age of eighteen years who do not have health coverage but whose income exceeds the Medicaid limits. W.A.M. § 3000.

To qualify for Dr. Dynasaur, a household must have income less than 300 percent of the Federal Poverty Level (FPL). M 302.26. Household composition includes parents residing with the minor child. W.A.M. § 3001.31.

There is no dispute that at the time of petitioner's recertification, her household had income in excess of the program maximum of \$4,293 per month for a three person household. P-2420A. Accordingly, the Department's decision to terminate Dr. Dynasaur is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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